

**ZONING BOARD OF APPEALS**  
**TOWN OF LLOYD**  
**MINUTES**  
**Thursday, August 10, 2023**

**CALL TO ORDER TIME: 7:00 PM**

**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENTS: GENERAL, NO SMOKING, LOCATION OF FIRE EXITS, ROOM CAPACITY IS 49, PURSUANT TO NYS FIRE SAFETY REGULATIONS. PLEASE TURN OFF ALL CELL PHONES.**

---

**Attendance:** Board members: John Litts, Paul Gargiulo, Bill Brown, Russ Gilmore, Shawn Zerafa. Mike Guerriero (Town Board); Board Staff: Anthony Giangrasso, Paul Van Cott (Via Zoom), and Sarah Van Nostrand

**Absent:** Board members: Jessica Van Houten

**Public Hearings**

**My Hudson Homes LLC: Area Variance: 16 Washington Ave, SBL #88.69-4-7**

Applicant is seeking an area variance to have a 4<sup>th</sup> unit on a 1.04-acre lot in the R ¼ Zone, where only 1-acre is buildable.

John asked if the board had any concerns for the applicant before they proceed.

Paul G. said not really, the board looked at it and went over everything.

John said that he read the minutes and it seems that everything was done fairly well. He asked if it was the building department conveyance that they only need one variance.

Anthony said for the buildable acreage.

John said the only variance in front of them is for the buildable acreage.

John asked for a motion to open the public hearing.

Motion made by Paul G., 2<sup>nd</sup> by Russ.

All ayes, motion passed to open the public hearing.

Randy (20 Washington Ave) wants to know if there is a new structure that is going to be built and she also, doesn't have a clear sense of where their property line is on that side.

John said it is his understanding that there will be no new structure, the structures are pre-existing, they are just going to take the bottom of one of the structures and convert it from a garage to an

apartment. He knows that there was a question about parking and he believes that the applicant proved that there is ample parking for 4 units, he believes that there are only 3 cars there now with a possibility of 8, so she would have ample parking. As far as the property line is concerned, he knows that there was a map submitted. When you recently purchased the property you should have received a map or survey. What is shown on the screen is parcel viewer and is not very accurate, but it gives a ball park of where the lines are.

John asked for a motion to close the public hearing.  
Motion made by Russ, 2<sup>nd</sup> by Bill.  
All ayes, motion passed to close the public hearing.

John read the resolution.

John asked for a motion to approve the resolution.  
Motion made by Russ, 2<sup>nd</sup> by Bill.

Roll Call Vote:  
Bill-aye  
Russ-aye  
John-aye  
Paul G.-aye  
Shawn-aye  
All ayes motion passed to approve the resolution.

### **Continued Public Hearings**

#### **Rozzi, Thomas: Area Variance: 3 Orchard Ln, SBL #87.10-2-6.210**

Applicant is seeking an area variance for a garage in the front yard.

John said the last time the board had asked for some pictures, a topography map, a landscape plan.

Tom (applicant) showed the board the documents that were requested.

John said that the documents give the board a much better idea of what is existing and what you are looking to do. What the board would be looking for is for the trees to be maintained for ever and the shrubs, so you have an upper and a lower. They would be looking for that to be done in a time frame after the garage is constructed, typically it is 6 months to a year. He would like to see more trees planted along the back of the garage. The applicant has provided the board with everything that was asked for.

Chuck (5 Orchard Ln) said that they have discussed it with the applicant and don't have any opposition to it. They are the only ones who are affected at all.

John asked for a motion to close the public hearing.  
Motion made by Russ, 2<sup>nd</sup> by Bill.  
All ayes, motion passed to close the public hearing.

John said that for the trees in shrubs they have to be maintained forever and if they die, they need to be replaced. The board is going to put a time restraint on when you plant them. This is a unique situation as the property is a flag lot, so the garage won't be visible from the road and that is what they try to get away from with accessory buildings in the front yard. The structure is 300 feet off of the road and there is another property and house that is between him and the road and he is going to do an aesthetic greenery barrier to mitigate all of those factors. Even though it is a substantial request for putting it in the front yard, in this particular circumstance, he is comfortable in saying that it is a very unique circumstance that it is blocked by another property, it is blocked by shrubbery.

Paul V. went through the balancing test with the board.

1. Undesirable change in neighborhood character or to nearby properties?

John said as previously discussed it will not because of the facts that were submitted.

Paul V. said because of the distance from the road, the fact that you are on a flag lot, the board is going to require a vegetative buffer and generally the unique circumstances of the property that is involved.

John said correct.

2. Whether benefit can be achieved by other means feasible to applicant?

John said that the applicant brought pictures and a topographical map to explain to the board the layout of the property and why the building couldn't be put any place else. Looking at the map there is no other place feasible by topography or existing amenities on the property, so in that regard the only feasible place to put the structure is where the applicant elected to put it.

Paul V. said it is probably relevant to his objective is to have a certain sized garage as he stated what he needed the space for, it is limited in height to what he needs, so those are his objectives.

John said correct.

3. Whether the request for relief is substantial?

John said it is substantial, but given the unique circumstance of the property, he is okay with it being substantial.

Paul V. said that he will remind the board that there is case law where a ZBA found that a variance requested was not substantial even though it was a fairly significant variance based on the fact that there wouldn't be significant environmental impacts associated with that variance, which is the case here.

4. Whether the request will have adverse physical or environmental effects?

John said that he does not see a substantial environmental impact. The impact visually is the impact that the board is addressing with the shrubbery and trees that are existing. As far as run-off or traffic he doesn't see a major impact.

5. Whether alleged difficulty is self-created?

Board agrees it is self-created.

Paul V. said based on that the board's question is whether the balancing test favors the granting of the variance over holding firm on the purposes of the restriction.

John said he believes it does.

Straw Poll:

Bill-aye

Russ-aye

John-aye

Paul G.-aye

Shawn-aye

John asked if Paul V. could draft a resolution for their next meeting.

**Administrative:**

Minutes to approve:

July 13, 2023

John asked for a motion to approve the minutes.

Motion made by Russ, 2<sup>nd</sup> by Bill.

All ayes, motion passed to approve the minutes.